

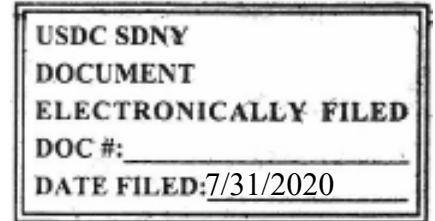
**LAW OFFICE OF DARRYN G. SOLOTOFF**  
ATTORNEYS AT LAW

25 Melville Park Road  
Suite 108  
Melville, New York 11747  
T 516-695-0052  
DS@lawsolo.net

July 29, 2020

**VIA ECF**

The Honorable Alison J. Nathan  
United States District Judge  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, New York 10007



**Re: Calcano v. Tumi, Inc.**  
**Case No.: 1:19-cv-11435-AJN**

Dear Judge Nathan,

The undersigned represents Evelina Calcano, on behalf of herself and all other persons similarly situated ("Plaintiff"), in the above-referenced action against Tumi, Inc., ("Defendant"). We write, with Defendant's consent, to respectfully request a stay of the proceedings in this action, pending the ruling of the Second Circuit Court of Appeals' review of rulings on similar motions to dismiss.

By way of brief background, certain courts in the Southern District of New York have granted motions to dismiss other gift card cases. (*See Yovanny Dominguez v. Banana Republic, LLC, U.S.D.C. S.D.N.Y. Case No. 1:19-cv-10171 (GHW) ("Banana Republic"); James Murphy v. Kohl's Department Stores, Inc., U.S.D.C. S.D.N.Y. Case No. 1:19-09921 (GHW) ("Kohl's")*). Plaintiffs in those cases exercised their right to appeal from those rulings, which cases are currently on consolidated appeal before the Second Circuit under the caption *Mendez v. AnnTaylor, Inc.*, No. 20-1550. The consolidated appeal is on the Court's expedited calendar, such that a ruling will be forthcoming much sooner than a standard appellate case. Thus, the stay the parties are requesting in this case is not expected to be prolonged.

As a result, Plaintiff seeks, with Defendant's consent, a comprehensive stay of the proceedings in this action pending the Second Circuit's rulings on the appeal. A stay would conserve judicial resources and permit this Court to proceed at a future date with the benefit of guidance from the Court of Appeals.

Thank you for your anticipated cooperation in this matter. Should the Court have any questions, please do not hesitate to contact the undersigned attorney.

The motion to stay this case is hereby GRANTED. The parties should file a joint status update two weeks from a decision in *Mendez*. The motions to dismiss, Dkt. No. 10, 16 are administratively denied without prejudice.  
SO ORDERED.

Respectfully submitted,

/s/ Darryn G. Solotoff, Esq.

Darryn G. Solotoff, Esq.

SO ORDERED. 7/31/20  
  
Alison J. Nathan, U.S.D.J.